

Amendment and Response

Applicant: Brett M. Webb et al.

Serial No.: 09/825,592

Filed: April 3, 2001

Docket No.: 10003933-1

Title: WEBSITE FOR HOUSEHOLD INVENTORY AND MAINTENANCE WITH REMINDER SYSTEM
AND METHOD

REMARKS

The following Remarks are made in response to the Non-Final Office Action mailed October 4, 2005, in which claims 1-20 were rejected. With this amendment, claims 1-10, 12-13, 15-18 and 20 have been amended. Claims 1-20, therefore, remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 112

In the Office Action, claims 1-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Applicants have amended claims 1, 2, 3, and 9-10 regarding the identified phrases asserted to be indefinite and/or lacking antecedent basis. With these changes, Applicants believe that the Section 112 rejections are overcome and respectfully requests withdrawal of those rejections.

Claim Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

In the Office Action, claim 20 was rejected under 35 U.S.C. 102(e) as being anticipated by Singer U.S. Publication No. 2002/0111846 (the Singer Publication) and claims 1-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Singer Publication.

The earliest effective date of the Singer Publication is February 13, 2001, as reflected on the face of the Singer Publication.

Accompanying this Response is a Declaration of Prior Invention under 37 C.F.R. 1.131 to establish conception of the subject matter of the present patent application prior to the effective reference date of February 13, 2001 of the Singer Publication, coupled with due diligence from prior to the effective date to the filing date of the present patent application (i.e., a constructive reduction to practice) on April 3, 2001. This Declaration is submitted to further prosecution of the present patent application and should not be construed as acquiescence by Applicant to the outstanding rejection. Accordingly, Applicant respectfully requests consideration of the Declaration of Prior Invention under 37 C.F.R. 1.131.

In light of the Declaration of Prior Invention, Applicant submits that the Singer Publication does not qualify as a reference under 35 U.S.C. 102(e). Accordingly, Applicant

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respectfully requests that the rejection of claim 20 under Section 102(e) be reconsidered and withdrawn, and that claim 20 be allowed.

For the same reasons presented for the patentability of claim 20 regarding the Declaration of Prior Invention under 37 C.F.R. 1.131, Applicant submits that the Singer Publication does not qualify as a reference under 35 U.S.C. 102(e), and therefore, does not qualify as a reference under 35 U.S.C. 103. Accordingly, Applicant respectfully requests that the rejection of claims 1-19 under Section 103 be reconsidered and withdrawn and that claims 1-19 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-20 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Applicants hereby authorize the Commissioner for Patents to charge Deposit Account No. 500471 the amount of \$120.00 to cover fees as set forth under 37 C.F.R. 1.16(h)(i).

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Jeff D. Limon at Telephone No. (541) 715-5979, Facsimile No. (541) 715-8581 or Paul S. Grunzweig at Telephone No. (612) 767-2504, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Intellectual Property Administration
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Fort Collins, Colorado 80527-2400

Respectfully submitted,

Brett M. Webb et al.,

By their attorneys,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5th day of January, 2006.

By Paul S. Grunzweig
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